

**AMENDMENT NO. 1
CONTRACT NO. 455-20-1036 FOR
STATEWIDE SITE REMEDIATION AND RELATED SERVICES
BETWEEN
THE RAILROAD COMMISSION OF TEXAS AND
USFS, LLC**

THIS AMENDMENT NO. 1 to Contract No. 455-20-1036 (“Contract”) is entered into by and between the State of Texas, acting through the Railroad Commission of Texas (“RRC”), located at 1701 N. Congress Ave., Austin, Texas and USFS, LLC (“Contractor”), located at 24026 CR 3118 Winona, Texas 75792 (individually, “Party”; collectively, “Parties”).

WHEREAS, SECTION 7.06. of the Contract provides the Parties may amend the Contract through written agreement; and

WHEREAS, the Parties desire to further amend the Contract terms to their mutual benefit to reflect changed circumstances.

NOW, THEREFORE, the Parties agree to amend the Contract as follows:

I. SECTION 3.01. CONTRACT LIMIT AND FEES AND EXPENSES., is deleted in its entirety and replaced with the following:

“CONTRACT LIMIT, FEES AND EXPENSES. The total amount of fees to be paid by RRC to Contractor under the Contract through the Contract Term shall not exceed **THREE MILLION NINE HUNDRED EIGHTY THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$3,980,500.00)**, the total of which includes the current NTE amount of **ONE MILLION FIVE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$ 1,500,000.00)**, plus the addition of **TWO MILLION EIGHTY-TWO THOUSAND FIVE HUNDRED EIGHTY DOLLARS AND ZERO CENTS (\$2,082,580.00)**, as approved by RRC Commissioners on September 1, 2020, plus the addition of **THREE HUNDRED NINETY-SEVEN THOUSAND NINE HUNDRED TWENTY DOLLARS AND ZERO CENTS (\$397,920.00)** as approved by the Executive Director effective as of the date executed by the Parties in this Amendment No. 1.

Except as expressly amended above, all provisions of the Contract, as amended, remain in full force and effect. In the event of a conflict among provisions of the Contract, the order of precedence shall be: this Amendment No. 1; and then the original Master Service Agreement Contract in accordance with section **1.03. ORDER OF PRECEDENCE.,** therein.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Amendment No. 1 to the Contract to be effective as of the date of the last Party’s signature hereto. By signatures below, each signatory represents and warrants that they have the authority to amend the Contract on behalf of the respective Party.

RAILROAD COMMISSION OF TEXAS

Danny Sorrells

Wei Wang
Executive Director

USFS, LLC

Barry K. Stem

Barry K. Stem Sr.,
President/CEO

Date of Execution: 6/17/2021

Date of Execution 6/17/2021

RRC use only if they this line.
Div. Director: _____
CM COOs _____
Procurement Director: _____
OGC: _____